

REFERENCE TITLE: county recorders; social security numbers

State of Arizona
Senate
Forty-eighth Legislature
First Regular Session
2007

SB 1169

Introduced by
Senators Leff, Harper, Huppenthal; Gorman, Gray C, Tibshraeny;
Representative DeSimone

AN ACT

AMENDING SECTION 11-461, ARIZONA REVISED STATUTES; RELATING TO COUNTY
RECORDERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 11-461, Arizona Revised Statutes, is amended to
3 read:

4 11-461. Recording instruments; keeping records; identification;
5 location; social security numbers

6 A. The recorder shall have custody of and shall keep all records, maps
7 and papers deposited in the recorder's office.

8 B. The recorder shall record separately, in typewriting, in a legible
9 hand or by use of photostatic or photographic machines or by a system of
10 microphotography, all instruments or writings required or authorized by law
11 to be recorded. In a like manner, the recorder shall record any other
12 instrument offered for recording provided the instruments meet the
13 requirements of section 11-480.

14 C. The recorder may accept a digitized image of a recordable
15 instrument for recording if it is submitted by a title insurer or title
16 insurance agent as defined in section 20-1562, by a state chartered or
17 federally chartered bank insured by the federal deposit insurance
18 corporation, by an active member of the state bar of Arizona, by an agency,
19 branch or instrumentality of the federal government or by a governmental
20 entity and the instrument from which the digitized image is taken conforms to
21 all applicable laws relating to the recording of paper instruments.

22 D. Instruments shall be recorded consecutively as of the time they are
23 received. The recorder shall affix to each instrument, either by hand or in
24 a digitized form, a notation or notations sufficient to provide:

25 1. A record identification to uniquely identify each instrument and to
26 fix its position within the sequence of recordings.

27 2. A record location to enable each instrument to be retrieved for
28 purposes of inspection.

29 E. Instruments may be recorded in docket books, in separate record
30 books or in suitable containers, if the location of each instrument can be
31 determined from notations both on the instrument and in the appropriate
32 index. Reference to any recorded instrument may be made by the record
33 location without further description.

34 F. Any reference to docket and page, or book and page, or similar
35 indication means the record location as notated on each recorded instrument.

36 G. ON OR BEFORE JANUARY 1, 2008, THE RECORDER SHALL REDACT REFERENCES
37 TO SOCIAL SECURITY NUMBERS ON INSTRUMENTS THAT ARE RECORDED AFTER DECEMBER
38 31, 1985 AND THAT ARE AVAILABLE ON THE RECORDER'S WEBSITE. SOCIAL SECURITY
39 NUMBERS MAY BE RETAINED ON INSTRUMENTS THAT ARE NOT AVAILABLE ON A WEBSITE.
40 FOR ALL INSTRUMENTS THAT ARE RECORDED BEFORE JANUARY 1, 1986 AND THAT ARE
41 AVAILABLE ON A RECORDER'S WEBSITE, THE RECORDER SHALL REDACT REFERENCES TO
42 SOCIAL SECURITY NUMBERS AT THE REQUEST OF THE HOLDER OF THE SOCIAL SECURITY
43 NUMBER IF THE HOLDER IDENTIFIES THE RECORDED INSTRUMENT. THE RECORDER IS NOT
44 LIABLE FOR ANY ERRORS OR CASES OF STOLEN IDENTITY RESULTING FROM REDACTIONS
45 MADE PURSUANT TO THIS SUBSECTION.